

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:11-CV-18-BR

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
) **DEFAULT JUDGMENT**
\$29,250.00 IN U. S. CURRENCY,)
)
 Defendant.)

This matter is before the Court on Plaintiff's Motion for Default Judgment. It appearing that a copy of the Complaint herein was served upon potential claimant of the defendant and that publication has been duly made, in accordance with Supplemental Rule G(4), and, thus, that due notice was given accordingly, the Court finds that:

1. Process was duly issued in this cause and the defendant were duly seized by the United States Marshal Service pursuant to said process;

2. On March 23, 2011, Taisha Ortiz filed a claim as to the defendant currency. However, Ms. Ortiz did not file an answer as required by Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims. Entry of default judgment is appropriate under such circumstances. See United States v. \$36,110.00, No. 4:08-CV-0029-TLW-TER, 2010 WL 6065117, *2 (D.S.C. Dec. 17, 2010) (Report and Recommendation) (recommending entry of default judgment where party filed a claim

but not an answer), adopted, 2011 WL 884168 (D.S.C. Mar. 14, 2011).

3. No other entitled persons have filed any claim to the defendant nor answer regarding it within the time fixed by law; and

3. The well-plead allegations of the Complaint in respect to the defendant are taken as admitted, as no one has appeared to deny the same.

Based upon the above findings, it is hereby

ORDERED AND ADJUDGED that:

1. Default judgment be and the same is hereby entered against the defendant;

2. All persons claiming any right, title, or interest in or to the said defendant are held in default;

3. The defendant is forfeited to the United States of America; and

4. The United States Marshal Service is hereby directed to dispose of the defendant according to law.

This 17 October 2011.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is written over a horizontal line.

W. Earl Britt
Senior U.S. District Judge